

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Federal Insurance Co., et al. v. Al Qaida, et al., Case No. 03-cv-06978
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03-cv-09849
Kathleen Ashton, et al v. Al Qaeda Islamic Army, et al., Case No. 02-cv-06977
Estate of John P. O'Neill, Sr., et al. v. Al Baraka, et al., Case No. 04-cv-01923
Continental Casualty Co., et al. v. Al Qaeda, et al., Case No. 04-cv-05970
Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd., et al., Case No. 04-cv-07065
Euro Brokers, Inc., et al. v. Al Baraka, et al., Case No. 04-cv-07279

**NOTICE OF PLAINTIFFS' MOTION FOR SANCTIONS AGAINST
DEFENDANT WA'EL HAMZA JELAIDAN**

PLEASE TAKE NOTICE that upon the Declaration of J. Scott Tarbutton, Esq. and the exhibits attached thereto, and the Memorandum of Law in Support of Plaintiffs' Motion for Sanctions Against Defendant Wa'el Hamza Jelaidan, the plaintiffs by and through their undersigned counsel will move the Court before the Honorable Sarah Netburn, U.S. Magistrate Judge, at the United States District Court for the Southern District of New York, Thurgood Marshall Courthouse, 40 Foley Square, Room 430, Courtroom 219, at a date and time to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 37, sanctioning defendant Wa'el Hamza Jelaidan for his defiance of this Court's prior orders compelling him to undertake assiduous efforts to secure and produce documents responsive to plaintiffs' discovery requests, including in particular his banking records, and for his misrepresentations to the Court and plaintiffs concerning his ability to obtain and possession of such responsive records. In the context of proceedings relating to plaintiffs' earlier motions to

compel and for sanctions directed to defendant Jelaidan, he represented to the Court and plaintiffs on numerous occasions that he was incapable of obtaining his own banking records from his banks, and that he was not in possession of any banking records (save for two documents) responsive to plaintiffs' requests. However, Jelaidan's own submissions to the Office of Foreign Assets Control ("OFAC"), in regards to his application for a license to pay the monetary sanction previously imposed by the Court, confirm that those representations were demonstrably false. As sanctions for this continuing misconduct, plaintiffs request that the Court require Jelaidan to: (1) promptly produce affidavit testimony explaining how and when he came into possession of his banking records from Faisal Finance (Switzerland) S.A. that were submitted to OFAC; (2) explain when he provided those records to his counsel in this litigation; (3) certify under oath whether he is in possession of any other records responsive to plaintiffs' discovery requests that have not been produced; (4) appear for a special deposition concerning the efforts undertaken by the defendant and his legal team to locate and secure documentation responsive to plaintiff's discovery requests; (5) pay for the reasonable costs of the proposed discovery deposition, including reasonable attorneys' fees associated with the deposition; and (6) pay plaintiffs' reasonable attorneys' fees for bringing this motion. Plaintiffs seek this relief for the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Sanctions Against Defendant Wa'el Hamza Jelaidan.

Dated: October 6, 2017

Respectfully Submitted,

/s/ Sean P. Carter
 Sean P. Carter, Esq.
 J. Scott Tarbutton, Esq.
 COZEN O'CONNOR
 1650 Market Street, Suite 2800
 Philadelphia, PA 19103
 Tel: (215) 665-2000

Jodi W. Flowers, Esq.
Robert T. Haefele, Esq.
MOTLEY RICE, LLC
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, SC 29465
Tel: (843) 216-9000

James P. Kreindler, Esq.
Andrew J. Maloney, III, Esq.
KREINDLER & KREINDLER, LLP
750 Third Avenue, 32nd Floor
New York, NY 10017
Tel: (212) 687-8181

Jerry S. Goldman, Esq.
ANDERSON KILL P.C.
1251 Avenue of the Americas
New York, NY 10020
Tel: (212) 278-1000

Robert M. Kaplan, Esq.
FERBER CHAN ESSNER & COLLER, LLP
60 East 42nd Street, Suite 2050
New York, New York 10165
Tel: (212) 944-2200

Christopher T. Leonardo, Esq.
ADAMS HOLCOMB LLP
1001 Pennsylvania Ave., N.W.
Suite 740-South
Washington, D.C. 20004
Tel: (202) 580-8820

Attorneys for Plaintiffs